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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/058,732	Applicant(s) IMAI ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 7/19/06. Claims 1, 4, 7, 9, and 11-26 have been amended. Claims 1-26 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-13, 15-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson (US 2003/0046305; hereinafter Clarkson), in view of Brown (6,101,478; hereinafter Brown), in view of Joao (6,283,761; hereinafter Joao), and in view of Gordon (Gordon, Thomas. "Making Your Patient Your Partner: Communications Skills for Doctors and Other Caregivers" Copyright 1995. Auburn House. pg. 85-86; hereinafter Gordon).

(A) As per currently amended claim 1, Clarkson discloses a communication system for providing information of medical doctor's questions to patients, said communication system comprising:

- (1) a medical doctor terminal apparatus (Clarkson: abstract; par. [0050]; Fig. 1-2);
- (2) a database server apparatus for storing question sets for the medical doctor's questions to patients, said medical doctor terminal apparatus, said patient terminal apparatus and said database server apparatus are connected to each other through a communication network (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2);
- (3) wherein said patient terminal apparatus comprises:
 - (a) receiving means for receiving the question sets from said database server apparatus (Clarkson: par. [0028]);
 - (b) generating means for generating question programs for making a medical doctor's questions to patients in accordance with the question sets received from said database server apparatus by said receiving means (Clarkson: abstract; par. [0020], [0050]; Fig. 1-2);
 - (c) displaying means for displaying questions for the medical doctor's questions to patients by executing of the question programs

generated by said generating means (Clarkson: abstract; par. [0073], [0079]; Fig. 1-2);

(d) entering means for entering answer data to the displayed questions (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2); and

(e) transmitting means for transmitting the entered answer data to said database server apparatus, and storing the transmitted answer data in said database server apparatus (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2); and

(4) wherein said medical doctor terminal apparatus comprises:

(5) receiving means for receiving the answer data stored in said database server apparatus by accessing said database server apparatus, and displaying the received answer data (Clarkson: abstract; par. [0050], par. [0023], [0027]; Fig. 1-2).

Clarkson, however, fails to *expressly* disclose a communication a communication system for information of medical doctor's questions to patients, said communication system comprising:

(6) a patient terminal apparatus;

(7) inquiries about a doctor's questions to a patient; and

(8) first and second receiving means.

Nevertheless, these features are old and well known in the art, as evidenced by Brown, Joao and Gordon. In particular, Brown, Joao and Gordon disclose a communication system for providing information of medical doctor's questions to patients, said communication system comprising:

- (6) a patient terminal apparatus (Brown: abstract; Fig. 1-24);
- (7) inquiries about a doctor's questions to a patient (Gordon: pg. 85-86); and
- (8) first and second receiving means (Joao: col. 13, lines 38-51; Fig. 1).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Brown with the combined teachings of Clarkson, Joao and Gordon with the motivation of processing healthcare-related information (Brown: col. 2, line 60-col. 3, line 16).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the combined teachings of Clarkson, Brown and Gordon with the motivation of processing healthcare-related information (col. 7, lines 61-64).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Gordon with the combined teachings of Clarkson, Brown and Joao with the motivation of facilitating doctor-patient dialogue.

(B) As per original claim 2, Clarkson discloses the system as claimed in claim 1, wherein said generating means comprises:

- (1) storing means for storing template question programs corresponding to predetermined answer forms (Clarkson: abstract; par. [0007] – [0019]; [0027]; [0066]; Fig. 1-2); and
- (2) program generating means for generating question programs by inserting question sets received from said database server apparatus into the template question programs (Clarkson: abstract; par. [0020], [0050]; Fig. 1-2).

(C) As per original claim 3, Clarkson discloses the system as claimed in claim 2, wherein the answer forms include at least one of:

- (1) a first answer form for answering by selecting at least one among a plurality of selection sentences of answers as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2); and
- (2) a second answer form for answering by using a numerical value as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2).

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(D) As per currently amended claim 4, Clarkson discloses the system as claimed in claim 1, wherein each of the question sets includes data indicative of an answer form, and a question sentence (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2).

(E) As per original claim 5, Clarkson discloses the system as claimed in claim 4, wherein each of the question sets further includes at least one selection sentence (Clarkson: abstract; par. [0013] – [0018], [0050]; Fig. 1-2).

(F) As per currently amended claim 7, Clarkson discloses the system as claimed in claim 1, wherein said terminal apparatus for patient further comprises:

- (1) storing means for storing entered past answer data (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2); and
- (2) wherein said displaying means displays stored past answer data in conjunction with the question (Clarkson: abstract; par. [0099] – [0100]; Fig. 1-2).

(G) As per original claim 8, Clarkson discloses the system as claimed in claim 3, wherein the second answer form includes at least one of:

- (1) a third answer form for answering by directly entering a numerical value as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2); and
 - (2) a fourth answer form for answering by entering a numerical value indicative of an answer with either one of increasing and decreasing a numerical value starting at an initial value, as an answer to the question (Clarkson: abstract; par. [0013] – [0018], [0050], [0073] – [0078]; Fig. 1-2).
- (H) As per currently amended claim 9, Clarkson discloses the system as claimed in claim 8, wherein:
- (1) said patient terminal apparatus further comprises storing means for storing the entered past answer data (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2); and
 - (2) the initial value of the numerical value is a numerical value indicative of a previous answer of the corresponding patient included in the past answer data stored in said storing means (Clarkson: abstract; par. [0099] – [0100]; Fig. 1-2).
- (I) As per original claim 10, Clarkson discloses the system as claimed in claim 5, wherein said program generating means comprises changing means for changing a display layout of the selection sentences according to at least one of the number of the

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selection sentences and the length of each selection sentence (Clarkson: abstract; par. [0020], [0050]; Fig. 1-2).

(J) As per currently amended claim 11, Clarkson discloses the system as claimed in claim 1, wherein said medical doctor terminal apparatus further comprises:

- (1) transmitting and storing means for entering a remedy policy for a patient, transmitting the entered remedy policy to said database server apparatus, and storing the transmitted remedy policy in said database server apparatus (Clarkson: abstract; par. [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2); and
- (2) third receiving means for receiving the stored remedy policy for the patient by accessing said database server apparatus, and displaying the received remedy policy (Clarkson: abstract; par. [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(K) As per currently amended claim 12, Clarkson discloses the system as claimed in claim 11, wherein said medical doctor terminal apparatus further comprises:

- (1) link controlling means for controlling said third receiving means in accordance with a command from an operator so that said third receiving means receives the stored remedy policy for the patient by accessing said

database server apparatus and displays the received remedy policy, when said second receiving means receives answer data and displays the received data (Clarkson: abstract; par. [0050], [0023], [0027], [0054] – [0056], [0099]; Fig. 1-2).

(L) As per currently amended claim 13, Clarkson discloses the system as claimed in claim 1, wherein said database server apparatus comprises:

- (1) first storing means for storing information about each respective patient (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2);
- (2) second storing means for storing questions for medical doctor's questions for each respective question (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2);
- (3) third storing means for storing information about linking between the respective patients and respective questions (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2); and
- (4) fourth storing means for storing answer data from said patient terminal apparatus (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2).

(M) Claims 15-19 and 21-26 substantially repeat the same limitations as those of claims 1-5 and 7-13 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

4. Claims 6, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson, Brown, Joao and Gordon, as applied to claims 1, 15 and 25 above, and further in view of Bair et al. (6,108,665; hereinafter Bair).

(A) As per original claim 6, Clarkson fails to *expressly* disclose the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor.

Nevertheless, these features are old and well known in the art, as evidenced by Bair. In particular, Bair discloses the system as claimed in claim 4, wherein each of the question sets further includes a goal answer entered by a medical doctor (Bair: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Bair with the combined teachings of Clarkson, Brown, Joao and Gordon with the motivation of providing healthcare optimization (Bair: col. 2, lines 42-47).

(B) As per currently amended claim 14, Clarkson discloses the system as claimed in claim 13, wherein said third storing means further stores an answer entered by a medical doctor, in addition to the information about linking between the respective patients and respective questions (Clarkson: abstract; par. [0050], [0099]; Fig. 1-2).

Clarkson, however, fails to *expressly* disclose the system as claimed in claim 13, wherein said third storing means further stores a goal answer. Nevertheless, these features are old and well known in the art, as evidenced by Bair. In particular, Bair discloses the system as claimed in claim 13, wherein said third storing means further stores a goal answer (Bair: abstract; Fig. 1-34).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Bair with the combined teachings of Clarkson, Brown, Joao and Gordon with the motivation of providing healthcare optimization (Bair: col. 2, lines 42-47).

(C) Claim 20 substantially repeats the same limitations as those of claim 6 and therefore, is rejected for the same reasons given for claim 6 and incorporated herein.

Response to Arguments

5. Some of Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection. Arguments not rendered moot are discussed below.

6. Applicant's remaining arguments filed 7/19/06 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 7/19/06.

(A) On page 13 of the 7/19/06 response, Applicant argues that the system and method of Clarkson do not provide a patient terminal which generates question programs for making inquiries about a medical doctor's questions in accordance with question sets received from a database server apparatus. Applicant argues further that Clarkson also does not disclose or suggest a medical doctor terminal apparatus which receives answer data stored in the database server apparatus by the patient terminal apparatus, by accessing the database server apparatus.

First, Examiner respectfully submits that Clarkson does provide a patient terminal (Clarkson: Fig. 2) which generates question programs for making medical doctor's questions in accordance with question sets received from a database server apparatus (Clarkson: par. [0009], "presenting a plurality of questions..." par. [0027], "a database storing a plurality of questions grouped by subject...").

As per the limitation of "inquiries about a medical doctor's questions," Clarkson teaches "each record including requests for questions on subjects from the professional person, wherein the method comprises *subsequently* presenting the client with a plurality of questions regarding the subjects requested by the professional person (emphasis added). In other words, the doctor asks the client questions on particular subjects and then the client is presented with questions about those subject questions

asked by the doctor (Clarkson: par. [0020]). Assuming *arguendo* that Clarkson does not teach this limitation, Examiner respectfully submits that this feature is notoriously well known and obvious, as evidenced by Gordon. For example, Gordon provides a sample excerpt from dialogue between a doctor and patient—Doctor Delbanco asks a question to patient Moyers, who then asks Doctor Delbanco a question (i.e., inquiry) about the Doctor's question.

Second, Examiner respectfully submits that Clarkson does disclose a medical doctor terminal apparatus which receives answer data stored in the database server apparatus by the patient terminal apparatus, by accessing the database server apparatus. For example, Clarkson teaches that "As the patient enters answers to the questions, the results are stored in a results table" and "the tables are used in the database" (Clarkson: par. [0047] and [0099]; Fig. 1).

In short, Examiner respectfully submits that the combined teachings of Clarkson, Brown, Joao and Gordon, *in toto*, do indeed teach Applicant's claimed invention.

(B) On page 14 of the 7/19/06 response, Applicant argues that Bair also fails to disclose or suggest the generating means of claims 1 and 15 and the first receiving means of claim 25.

Examiner respectfully submits that Bair was not solely relied upon to address claims 1, 15 and 25, rather Examiner has relied upon the combined teachings of Clarkson, Brown, Joao, Gordon and Bair. See rejection section 4, *supra*, for details.

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(C) Applicant's remaining arguments within the 7/19/06 response rely upon or rehash the issues addressed above and therefore, are moot in view of the responses given in section 5-6, *supra*, and incorporated herein.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



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